UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK
---X
In re:

FERNANDO ARTURO SAILLANT

Debtor(s)
---X

Return Date: April 4, 2017
Time: 10:00 a.m.

Chapter 13
Case No.: 1-17-40310-608

NOTICE OF MOTION

SIRS / MADAMS:

PLEASE TAKE NOTICE, that MICHAEL J. MACCO, Chapter 13 Trustee of the above captioned estate, will move before the Honorable Carla E. Craig, United States Bankruptcy Judge, on the 4th day of APRIL, 2017 at 10:00AM, at the United States Bankruptcy Court located at 271 Cadman Plaza East – Courtroom 3529, Brooklyn, New York 11201, for an Order pursuant to 11 U.S.C. §§ 521 & 1307(c), dismissing this case by reason of the debtor(s)' failure to submit monthly pre-confirmation payments, failure to provide and/or file documents, failure to appear at §341 meeting of creditors, and for such other and further relief as this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE, that answering papers, if any, shall be filed with the Court and served on the undersigned no later than SEVEN (7) days prior to the return date of this motion.

Dated: Islandia, New York
March 17, 2017

Yours, etc.

MICHAEL J. MACCO
Chapter 13 Trustee
2950 Express Drive south – Suite 109
Islandia, New York 11749
(631) 549-7900

To: *Office of the United States Trustee*
Fernando Arturo Saillant, Pro Se Debtor(s)

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK
---X tmm1634
In re:

Chapter 13
FERNANDO ARTURO SAILLANT Case No.: 1-17-40310-608

Debtor(s) **APPLICATION**
---X
TO THE HONORABLE CARLA E. CRAIG, UNITED STATES BANKRUPTCY JUDGE:

MICHAEL J. MACCO, Chapter 13 Trustee of the above captioned estate, respectfully represents, as follows:

1. The debtor(s) filed a petition under the provisions of 11 U.S.C. Chapter 13 on January 26, 2017 and thereafter MICHAEL J. MACCO was duly appointed and has qualified as Trustee.

2. As of the date of this motion, the debtor(s) has failed to submit any monthly pre-confirmation payments to the Trustee.

3. In addition, as of this date the debtor(s) has failed to file a Chapter 13 Plan; Statement of Financial Affairs; Statement of Current Monthly Income and Means Test; complete set of schedules; copies of pay statements from employer for sixty (60) day period preceding filing, within the fifteen (15) day period required under the Bankruptcy Code.

4. Furthermore, as of this date the debtor has failed to provide the Trustee with copies of a previous year's State and Federal Tax Returns; all filings required under Section 521; and all mandatory disclosure documentation as set forth in Local Bankruptcy Rule 2003-1.

5. Moreover, the debtor failed to appear at the initial §341 meeting of creditors, held on March 15, 2017 at 10:00 a.m.

6. This is a material default and is prejudicial to the rights of the creditors of the debtor.

WHEREFORE, the Trustee prays for an Order pursuant to the provisions of 11 U.S.C. §§ 521 & 1307(c), dismissing this case, and for such other and further relief as this Court deems just and proper.

Dated: Islandia, New York
March 17, 2017

/s/ Michael J. Macco
Michael J. Macco, Chapter 13 Trustee
2950 Express Drive south – Suite 109
Islandia, New York 11749
(631) 549-7900

STATE OF NEW YORK)
COUNTY OF SUFFOLK) ss.:

STEPHANIE TURNER, being duly sworn deposes and says: deponent is not a party to this action, is over 18 years of age and resides in Suffolk County, New York.

On March 17, 2017, deponent served the within:

NOTICE OF MOTION AND APPLICATION

upon the following parties, at the addresses designated by said parties for that purpose, by depositing a true copy of same, enclosed in a post-paid, properly addressed wrapper in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York:

Office of the United States Trustee
U.S. Federal Office Building
201 Varick Street, Suite 1006
New York, NY 10014

Fernando Arturo Saillant
510 Marion Street
Brooklyn, NY 11233
Pro Se Debtor(s)

/s/ Stephanie Turner
STEPHANIE TURNER

Sworn to before me this
17th day of MARCH, 2017

/s/ Janine M. Zarrilli
NOTARY PUBLIC
Janine M. Zarrilli
Notary Public, State of New York
No. 01ZA5084708
Qualified in Nassau County
Commission Expires September 8, 2017